IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Bail Appl..No. 5536 of 2007()

CRIME NO. 117/07 OF PERUVANNAMUZHI POLICE STATION

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PETITIONER/ACCUSED NO.1:

MANOJ, S/O. N.C. MICHLE,
NHALLIMACKAL HOUSE, MARUMANN, CHAKKITTAPARA AMSOM,
DESOM, KOYILANDY TALUK.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE:

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1. S.I. OF POLICE,
PERUVANNAMUZHI POLICE STATION.

2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5536 of 2007

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Dated this the 12th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations, inter alia, under Section 498A I.P.C. The defacto complainant is the wife of the petitioner. The police have registered the crime on the basis of the F.I. statement lodged by the defacto complainant.

2. The marriage took place on 28.9.1995. The spouses are blessed with two children. There is strain in the marital tie and on account of such strain, fanciful, false and exaggerated allegations are being made against the petitioner. The allegations are raised with vexatious intent. The petitioner may be saved of the undeserved trauma of arrest and incarceration in prison, submits the learned counsel.

3. The learned Prosecutor does not oppose the application. He only submits that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation. I find merit in the stand taken by the learned Prosecutor. I am satisfied

that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner. I take note of the reality that arrest and incarceration of the petitioner is likely to mar all possibilities of reconciliation of marital relationship. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 19.9.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 11.9.07, and 20.9.2007 and 21.9.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 19.9.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 19.9.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 19.9.2007.

(R. BASANT)
Judge

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